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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/749,225	12/30/2003	Woo-Chul Park	11038-142-999	1474

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EXAMINER

KING, ANITA M

ART UNIT	PAPER NUMBER
3632	

DATE MAILED: 05/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/749,225	Applicant(s) PARK, WOO-CHUL	
	Examiner Anita M. King	Art Unit 3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6-8 is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☒ Claim(s) 3-5 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/30/03 & 4/14/05</u> | 6) <input type="checkbox"/> Other: _____ |

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This is the first office action for application number 10/749,225, Beverage Container Holder for Vehicle, filed on December 30, 2003.

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Specification

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,018,633 to Toth et al., hereinafter, Toth. Toth discloses a beverage container holder (10) comprising: a housing defining a space for storing a beverage container, the housing further defining a horizontal direction; at least one slidable beverage container supporter (39 or 41) having a first end and a second end for securing the beverage container in the housing; guiding means (51 or 53) for guiding the slidable beverage container supporter to move within the housing; and fixing means (58 & 62) for fixing the slidable beverage container supporter in a desired place with respect to the housing.

Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,944,240 to Honma. Honma discloses a beverage container holder comprising: a housing (1) defining a space for storing a beverage container, the housing further defining a horizontal direction; at least one slidable beverage container supporter (31) having a first end and a second end for securing the beverage container in the housing; guiding means for guiding the slidable beverage container supporter to move within the housing; fixing means (21) for fixing the slidable beverage container supporter in a desired place with respect to the housing; wherein the guiding means includes at least one guiding rail (2l or 2r) formed inside the housing substantially along the horizontal direction, the at least one guiding rail defining a central portion therebetween; and at least one protruding part (33l, 33r) formed at each of the first and second ends of the slidable beverage container supporter, the at least one protruding part being insertable in the at least one guide rail for movement of the slidable beverage container supporter along the guiding rail.

Allowable Subject Matter

Claims 3-5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 6-8 are allowed.

The following is a statement of reasons for the indication of allowable subject matter: the primary reasons for the indication of allowable subject matter are the limitations of a beverage container holder having a fixing means including a plurality of fixing holes formed in a housing along a longitudinal direction of the central portion of a guiding rail, at least one push knob operably associated with a slidable beverage container supporter and having a first portion relative to the supporter, first and second locking members, and a power transmitting means for transmitting the motion of the first locking member to the second locking member, included in dependent claim 3 and in combination with the other elements recited in the claim as well as claims 1 and 2; a container holder having a elongated housing including a plurality of holes substantially aligned in the direction of elongation, at least one guide rail, at least one supporter having a first end and a second, each end including at least one resiliently biased member and at least one projection, and wherein the at least one resiliently biased member has a first state such that the member is engaged with at least one of the plurality of holes to fix the supporter relative to the housing and a second state such that the member is disengaged from the plurality of holes for permitting sliding movement of the supporter, included in independent claim 6 and in combination with the other

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elements recited in the claim. These respective combinations of elements are not found in the prior art of record.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 4,943,111 to VanderLaan

U.S. Patent 5,149,032 to Jones et al.

U.S. Patent 5,280,870 to Chick et al.

U.S. Patent 5,457,745 to Wang

U.S. Patent 5,671,877 to Yabuya

U.S. Patent 5,692,658 to Fischer et al.

U.S. Patent 5,718,405 to Adachi

U.S. Patent 5,897,089 to Lancaster et al.

U.S. Patent 6,206,260 to Covell et al.

U.S. Patent 6,755,382 to Melnick

Japanese Publication 2001-105952 to Aoyama et al.

Japanese Publication 08-244513 to Bieck


Wang discloses an adjustable mobile phone holder. Melnick discloses a retractable tissue roll holder having a gearing system. All the other patents disclose various types of beverage container holders.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anita M. King whose telephone number is (571) 272-6817. The examiner can normally be reached on Monday-Thursday.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Anita M. King
Primary Examiner
Art Unit 3632

May 2, 2006